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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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<p>UTAH INSURANCE DEPARTMENT,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> <p>TIMIOS TITLE AGENCY OF UTAH, INC. 5716 Corsa Avenue, Suite 102 Westlake Village, CA 91362-7354 Utah License No. 344440</p> <p style="text-align: center;">Respondent.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2015-42 PC</p> <p>Enf. Case No. 3604</p> <p>Judge Mark E. Kleinfield Administrative Law Judge</p>
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Timios Title Agency of Utah, Inc. ("Respondent"), hereby stipulate and agree as follows:

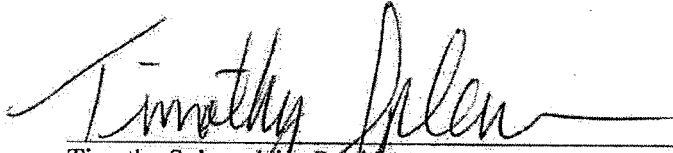
1. Respondent is an active ~~non~~-resident title insurance agency authorized to do business in the State of Utah under License No. 344440. Respondent's Utah business address is 2366 West 1350 North, Lehi, UT 84043.

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2. The Department has jurisdiction over the parties and subject matter of this administrative action.
3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.
4. Respondent has the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.
5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.
6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

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Dated this 14<sup>TH</sup> day of APRIL, 2015.

  
Timothy Splane, Vice President  
TIMIOS TITLE AGENCY OF UTAH, INC.

Dated this 15<sup>th</sup> day of April, 2015

  
Gary D. Josephson, Assistant Attorney General  
UTAH INSURANCE DEPARTMENT

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On November 6, 2014, the Department compiled a list of all title agencies who did not have rates filed with the Department. A review of SIRCON licensing and the Department files indicated that Respondent was first licensed in the State of Utah on May 10, 2010, but had never filed proposed escrow rates.
2. On November 12, 2014, a Department letter was sent to Respondent advising it of the failure to file rates as required by Utah law and requesting a list of all closings conducted by Respondent between the dates of May 10, 2010 and November 12, 2014.
3. On March 23, 2015, Respondent submitted a written reply with an accompanying list indicating that 837 closings were conducted by Respondent between May 10, 2010, and November 12, 2014.

4. On March 25, 2015, Respondent agreed to an administrative forfeiture in the amount of \$2,500.00.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Utah Code Section 31A-19a-209 requires every title agency doing business in Utah to file a schedule of escrow charges, and any changes thereto, with the Commissioner. Respondent was in violation of this statute for the period of May 10, 2010 through November 12, 2014.
2. An Administrative forfeiture of \$2,500.00 is appropriate under the circumstances of this matter.

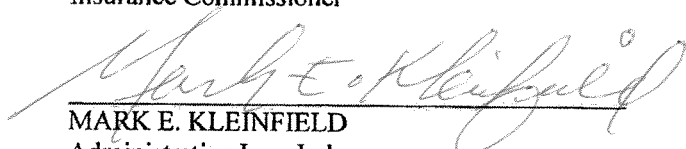
Based on the Findings and Fact and Conclusions of Law, it is recommended that the Title and Escrow Commission impose the following penalty:

**RECOMMENDED ORDER**

Respondent shall pay an administrative forfeiture in the amount of \$2,500 to the Department within 30 days of the date of the signed Order.

DATED this 15<sup>th</sup> day of April, 2015.


TODD E. KISER  
Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of 5 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this 11 day of May, 2015.

  
JEFFREY D. WIENER, Chairman  
Title and Escrow Commission

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**COMMISSIONER CONCURRENCE**


**WITH COMMISSION IMPOSED PENALTIES**

The Commissioner of the Utah Insurance Department hereby concurs with the above and forgoing Utah Title and Escrow Commission imposed penalties in the present adjudicative proceedings.

Dated this 11 day of May, 2015.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:

  
\_\_\_\_\_  
Mark E. Kleinfeld  
Administrative Law Judge

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.


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**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was mailed, postage prepaid, to the following:

DATED this 11<sup>th</sup> day of May, 2015.

**TIMOTHY SPLANE,  
TIMIOS TITLE AGENCY OF UTAH, INC.  
5716 CORSA AVENUE, SUITE 102  
WESTLAKE VILLAGE, CA 91362-7354**

  
LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901

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## State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# Insurance Department

## UTAH Invoice - Original

TIMIOS TITLE AGENCY OF UTAH INC  
5716 CORSA AVE STE 102  
WESTLAKE VILLAGE CA 91362-7354

Printed Date: May 11, 2015  
Invoice Date: May 11, 2015  
Balance Due: \$2,500.00  
Due Date: June 10, 2015  
Invoice ID: 767272  
Payor ID: 163513

Date	Item Description	Amount	
05-11-2015	Monetary Penalty Agency	\$2,500.00	E-Case 3604 Docket # 2015-042 PC

No Adjustments

No Payments

**Balance Amount Due** \$2,500.00

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## UTAH Invoice - Original

Make check payable to: Utah Insurance Department  
Send payment to:  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901

Invoice Date: May 11, 2015  
Balance Due: \$2,500.00  
Due Date: June 10, 2015  
Invoice ID: 767272  
Payor ID: 163513

E-Case 3604 Docket # 2015-042 PC

**Detach and Return this Voucher with Payment**  
Payments Will Not Be Processed without Voucher